

Kevin F. McCoy  
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FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA  
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Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CELINA R. TOMPSAN,

Defendant.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NO. 3:05-CR-0061-RRB

**AFFIDAVIT OF COUNSEL**

SS:

Kevin F. McCoy, being first duly sworn upon oath, deposes and says as follows:

1. I am the attorney for Celina Tompsan.
2. This court filed its judgment on March 10, 2006.
3. Fed.R.App.P. 4(b)(1)(A) provides that a defendant must file his or her notice

of appeal within ten (10) days of the judgment's filing date.

4. Consequently, any notice of appeal by Ms. Tompsan should have ordinarily been filed by March 20, 2006.

5. Fed.R.App.P. 4(b)(4) authorizes the district court to extend the time for filing a defendant's notice of appeal by thirty (30) days from the otherwise applicable deadline for good cause.

6. Ms. Tompsan asks the court to extend her notice of appeal deadline to April 22, 2006. April 22 is the thirtieth day from the otherwise applicable deadline.

7. She has two reasons for extending the time for her notice of appeal. First, the court has not yet resolved the restitution order. Second, she is extremely dissatisfied with the representation she has received to date. This dissatisfaction is evidenced by the 28 U.S.C. § 2255 petition for post-conviction relief which catalogues a breakdown in the attorney-client relationship. *See Exhibit A to this affidavit (copy of Ms. Tompsan's § 2255 petition).*

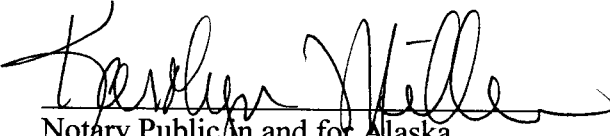
8. Extending the time for filing a notice of appeal will preserve Ms. Tompsan's appellate rights and enable the court to separately determine whether new counsel should be appointed to represent Ms. Tompsan in connection with the restitution order and in connection with the appeal.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
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KEVIN F. McCOY

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of April 2006.



  
Notary Public in and for Alaska  
My Commission Expires: 12/20/2008